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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,923	07/25/2000	Stuart D. Green	JTT006-00	7085

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EXAMINER
REVAK, CHRISTOPHER A

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/624,923	GREEN ET AL.
	Examiner	Art Unit	
	Christopher A. Revak	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _17 August 2005_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-23_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1,2,10,11,19-23_ is/are rejected.

7) ☒ Claim(s) _3-9 and 12-18_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _25 July 2000_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed August 17, 2005 have been fully considered but they

are moot in view of the news grounds of the rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1,2,10,11,19, and 21-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Landfield et al, U.S. Patent 5,632,011 in view of Dutta et al, U.S.

Patent 6,826,694.

As per claims 1,10,19, and 21-23, it is disclosed by Landfield et al of a

communications security system and method to prevent transfer of selected

communication transactions from a public (untrustworthy) network to a private

(trustworthy) network comprising a firewall host (server), connected to the public

(untrustworthy) network, that maintains a database of protection rules, each of which,

when applied to a communication transaction, identifies that communication transaction

to be a respective one of the selected communication transactions and a firewall

(portal), connected between the public (untrustworthy) network and the private (trusted)

network. The firewall (portal) selectively transfers the database of protection rules from said firewall host (server) via said public (untrustworthy) network; receives a communication transaction from the public (untrustworthy) network for transfer to the private (trustworthy) network (col. 3, line 35-67 and as shown in Figure 1). The examiner is interpreting the firewall (portal) as software operating on the firewall host (server). The teachings of Landfield et al fail to disclose of applying each of the protection rules to the received communication transaction and prevents the transfer of the received communication transaction to the private network if a protection rule identifies the received communication transaction to be a respective one of the selected communication transactions. It is disclosed by Dutta et al of applying each of the protection rules to the received communication transaction and prevents the transfer of the received communication transaction to the private network if a protection rule identifies the received communication transaction to be a respective one of the selected communication transactions (col. 4, lines 58). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply prevention of communications if they match a protection rule. The teachings of Dutta et al recite motivation for the use of preventing communications if they match a protection rule by disclosing high resolution of packet filtering is providing that not only filters header information, but additionally payload information (col. 1, lines 11-14 and col. 2, lines 7-9). It is obvious to a person of ordinary skill in the art that the teachings of Landfield et al could have been modified to allow the firewall to filter data to prevent communications if they match a protection rule as is disclosed by Dutta et al.

As per claims 2 and 11, it is taught by Landfield et al that the transfer of the database from the server to the portal is via a secure protocol (col. 4, lines 4-8).

4.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nessett et al, U.S. Patent 5,968,176 in view of Sheldon in further view of Antur et al, U.S. Patent 6,243,815.

It is recited by the teachings of Nessett et al of system for establishing a firewall system in a network that has security functions (col. 3, lines 20-22 and col. 5, lines 58-60). The teachings are embodied as a WAN that connects private (trustworthy) networks across the Internet (untrustworthy network)(col. 10, lines 28-31 and col. 15, lines 22-26). A network management station (server) includes a topology database that stores the security policy statements (protection rules)(col. 7, lines 13-21). The security policy statements (protection rules), when applied, identify the traffic (communications transactions) of a particular type of selected communication transaction and how the firewall (portal) should behave (col. 3, lines 29-34, col. 10, lines 1-9, & col. 17, lines 32-40). A firewall (portal) is connected between the Internet (untrustworthy network) and the private (trusted) network (col. 3, lines 20-27 & col. 10, lines 28-31). Updates to the security policy statements (protection rules) are selectively transferred from the network management station's (server) database to the firewalls (portals) across the Internet (untrustworthy network)(col. 9, lines 17-32 & col. 10, lines 28-31). The teachings of Nessett et al disclose of controlling network traffic (col. 3, lines 53-54) and that a security policy dictates the way the network devices should accept or deny traffic

(communication transaction) according to the firewall (portal)(col. 17, lines 32-40), but the teachings of Nessett et al are silent in disclosing that the transfer of selected communication transactions from an untrustworthy network is prevented. It is disclosed by Sheldon that a firewall enforces security policies by monitoring traffic from outside the network such as the Internet (untrustworthy network) addressed to the internal network (trustworthy network) and selectively preventing the transfer of traffic (communication transactions) by applying security policies (protection rules)(pg 3 & 7). It would have been obvious to a person of ordinary skill in the art to have been motivated to apply means to prevent the transfer of communication transactions from an untrusted network as a means of protecting a trusted network from a malicious attack. Sheldon recites motivation for the use of firewalls implementing security policies to prevent the transfer of communication transactions from untrustworthy network whereby it is taught that firewalls keep hackers out of your network by monitoring for attacks and when one is detected, action is taken to prevent it from happening (pg 4). Although the teachings of Nessett et al disclose of the use of a firewall that enforces a security policy, it is obvious that the teachings of Nessett et al utilize the firewall as a measure to prevent the transfer of communication transactions from untrusted networks to a trusted network as is notoriously well known in the art and as evidenced by the teachings of Sheldon.

The teachings of Nessett et al disclose of updating policy information corresponding to the firewall components (col. 5, lines 50-57), however the teachings of both Nessett et al and Sheldon fail to disclose that the firewall (portal) requests the

updates. It is disclosed by Antur et al of a firewall (portal) requesting updates (col. 9,

line 65 through col. 10, line 12). It is obvious to a person of ordinary skill in the art at the

time of the invention to have been motivated to a portal that requests information to that

its configuration is up to date. Antur et al recites motivation for the update process by

disclosing that if a firewall is up to date, it can lessen the effects of security threats by

identifying new threat patterns based upon the requested updates (col. 10, lines 3-12).

It is obvious that the combined that the combined teachings of Nessett et al and

Sheldon would have been able to detect new threat patterns by the firewall since the

configurations were up to date based on the teachings of Antur et al.

Allowable Subject Matter

5.   Claims 3-9 and 12-18 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christopher A. Revak whose telephone number is 571-

272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Revak
Primary Examiner
AU 2131

CR
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October 28, 2005